2. All grades of the Magistracy are also empowered to institute and conduct prosecutions when emergently necessary.

THE COMMISSIONER IN SIND TO EXERCISE THE POWERS CONFERRED ON THE LOCAL GOVERNMENT BY SECTIONS 16 AND 18 OF THE ACT

Notn. J.D., 23rd Nov. 1869, B.G., 1869, Pt. I, p. 1290.

Under the provisions of section 32 of Act XXI of 1869 (The European Vagrancy Act), the Right Honourable the Governor in Council is pleased to order that the powers and duties conferred and imposed by sections 16 and 18 of the said Act on the Local Government, shall be exercised and performed by the person who for the time being shall hold the office or also shall discharge the duties which belong to the office of Commissioner in Sind.

THE COMMISSIONER OF POLICE, BOMBAY, TO EXERCISE POWERS CONFERRED ON THE LOCAL GOVERNMENT BY SECTIONS 16 AND 18 OF THE ACT

Notn. No. 1341, J.D., 24th Feb. 1899, B.G., 1899, Pt. I, p. 223.

Under section 34 of the European Vagrancy Act IX of 1874, His Excellency the Governor in Council is pleased to appoint the Commissioner of Police, Bombay, to exercise and perform the powers and duties conferred and imposed on Local Governments by sections 16 and 18 of the Act.

RULES AND ORDERS UNDER ACT XIV OF 1874

SCHEDULED DISTRICTS

RULES FOR THE CIVIL ADMINISTRATION IN THE VILLAGES OF SIX MEHWASI CHIEFS

Notn. J.D., 17th Mar. 1854, B.G., 1854, Pt. I, p. 438, as amended by Notn. No. 9866, J.D., 20th Oct. 1920.

Under the provisions of section 3, Act XI of 1846, the Right Honourable the Governor in Council is pleased to prescribe the following rules for the Civil Administration of those parts of the Parganas of Nandurbar, Sultanpur, and Kukarmunda, in the Province of Khandesh, specified in the schedule annexed to the Act, and which are exempted from the operation of the general rules by the said Act :—

CIVIL BRANCH.

CHAPTER I.

Of the Constitution of the Agent's Civil Court.

1. *First.*—The Collector and Magistrate of Khandesh shall be Agent for the Government in the aforesaid districts, and shall, as contemplated in section 2 of the Act, have the collection and superintendence of the revenue of every description, within the said portions of territory above named.

Second.—The Agent shall preside over the Civil Court.

Third.—The Agent shall ordinarily hold his Court at such places, within the Province of Khandesh, as circumstances or convenience may render necessary.

Fourth.—The Agent shall use a circular seal, one inch and three quarters ($1\frac{3}{4}$) in diameter, having the words "Court of the exempted portions of the Parganas of Nandurbar, Sultanpur, and Kukarmunda" inscribed upon it, in English and Marathi characters.

II. The jurisdiction of the Agent's Civil Court shall extend to the cognizance of all suits and complaints of a civil nature which may arise between natives of the place and others; provided, 1*st*, that the suit be not against the person, and in a matter belonging to the jurisdiction of a Military Court of Requests (1). 2*nd*, Provided that in the case of immoveable property, it is situated within the limits of the aforesaid exempted Parganas, and that the cause of action shall have arisen, or in other cases the defendant (when the suit was commenced) shall have been residing as a fixed inhabitant within those limits. 3*rd*, And provided that no decree has been obtained, and that no suit is pending on the matter in dispute in any other Court of competent jurisdiction.

III. *First.*—The Agent shall not entertain any suit with respect to any claim or matter upon which final decision may have been previously pronounced by any authority competent at the time to pronounce such decision.

Second.—But it shall be competent to the Court to receive applications made in due form for executing the whole or any part of such original decrees passed in writing as shall be produced by the applicant, and shall be certified upon reference to have emanated from competent authority. Upon being satisfied on this point, the Court may direct execution to be carried out in the usual manner; provided that the decision referred to shall have been passed within a period of twelve (12) years antecedent to the promulgation of these Rules, and that means are left of executing the decree, and that the holder of the decree have applied to the proper authorities within one (1) year to procure its enforcement. If he have not so, the rule of procedure in similar cases authorised by the orders of the Sadar Diwáni Adálat to all Zilla Judges to be adopted.

IV. The Agent shall exercise a control over all the servants employed in the Court with regard to their suspension or dismissal, observance being paid to the General Orders of Government in the case of the dismissal of a servant receiving rupees (30) thirty per mensem and upwards.

V. The Agent shall obey all precepts or orders issued to him by the Sadar Diwáni Adálat, and shall, at the requisition of that Court, forward such returns of suits filed or decided, or of any other Judicial matters, as may be required by that authority.

VI. Whenever the Agent requires for the decision of a case before him an exposition of the Hindu or Mahomedan Law, he shall obtain the same by application to the Judge at Dhulia.

(1) The Military Courts of Requests as established by Indian Military Law have been abolished by Act VIII of 1887 (which is now repealed by the Repealing and Amending Act XII of 1891).

VII. *First.*—With the view of affording assistance to the Agent in disposing of suits filed in his Court, one or more Assistants to the Agent may be appointed, as contemplated in section 2 of Act XI of 1846.

Second.—The duties usually performed by the Názir and other officers of an Adálat establishment shall be performed by the ordinary establishment of the Collector of Khándesh, who, as Agent, may specially depute any officers on his establishment to perform the duties which are usually performed by the various officers on the Native establishment of an Adálat.

Third.—The Collector should submit to Government a list of parties so appointed.

VIII. Bribery, extortion, and generally all acts of abuse or neglect of duty on the part of persons officiating as servants of the Agent's Court shall be punished under the criminal powers conferred upon the Agent.

IX. Persons of good character may be allowed to practise as Vakils or Pleaders in the Agent's Civil Court, but the Agent may exercise his discretion in prohibiting persons of loose character from pleading in Court.

X. The Vakils of the Agent's Court shall be subject to the Rules provided by the Regulations and Acts of the Government of India in respect to such persons.

CHAPTER II.

Of Civil Process in the Agent's Civil Court.

XI. In the absence of the use of Stamped Paper, the Honourable the Governor in Council is pleased to declare that fees, upon the scale laid down in Appendix A to these Rules, shall be levied upon all original suits filed in the Agent's Court for claims above Rs. 100, the same fees recurring upon all appeals made in conformity with the hereinafter-mentioned provisions. In the case of suits for claims under Rs. 100, no fees shall be leviable.

XII. *First.*—No suit will be admitted upon the file unless accompanied with a receipt for the fees duly paid into the hands of the Názir or other appointed Treasurer of the Court.

Second.—But it shall be competent to the Agent to remit upon all process the levy of fees from any suitor who, upon proper inquiry (the declaration as to pauperism being proved), shall appear to possess no means whatever of defraying the same.

XIII. *First.*—In all cases in which a party suing as a pauper may gain his suit, the amount of fees leviable, and all extra expenses defrayed by the Court on his or her account, shall be computed and levied from the defendant.

Second.—Such expenses of a suit as may be incurred in respect of a pauper party over and above the remission of the cost of stamps may be defrayed by the Agent; provided that in no one suit the amount exceed

Rupees twenty-five (25); when the extra expenses shall exceed this amount, the previous sanction of the Sadar Diwáni Adálat shall be held necessary to a disbursement.

XIV. The proceedings of the Assistants in respect to the admission or rejection of applications to be allowed to sue in *formâ pauperis* shall be subject to the orders of the Agent, whose orders shall be final.

XV. *First.*—Suits filed in the Agent's Court to be numbered, dated, and recorded, and priority to be allowed, according to date.

Second.—But suits in which the defendant is imprisoned are entitled to priority over all others, without reference to their order upon the file.

Third.—And also suits instituted to establish a right to attach property shall be heard in priority.

XVI. *First.*—In his procedure, and in the dispensation of civil justice from first to last, the Agent shall be guided generally, and except as provided by these Rules, by the Rules laid down in the several Regulations and Acts defining the Law and Procedure which is at the time followed in the Honourable Company's Civil Courts.

Second.—But it is clearly to be understood that a strict adherence to the forms and provisions of the Law here alluded to is not binding on the Agent, but that he will exercise his discretion in all cases, subject to the control and supervision of the Sadar Diwáni Adálat.

Third.—The Agent and his Assistants are to keep a written record, in the language of the country, of their proceedings, and of the reasons of their decisions, and a succinct record of the latter in English, as provided by Act XII, section I, of 1843.

XVII. *First.*—With respect to the decree and its enforcement, the Right Honourable the Governor in Council is pleased to direct that in the territory subject to the Agent, attachments and sales of land, or of any interest in land, or of any specific or moveable property, or the performance of any particular act, or the arrest and imprisonment of the defendant in satisfaction of the decree or other process of the Agent's Court, or of any authority subordinate thereto, shall be made, ordered and carried into effect by the Agent's Court, and under its direction.

Second.—Provided, that it shall not be competent to the Agent or his Assistants, in pursuance of any decree on account of a civil action, to order the imprisonment of any of the seven Mewás Chieftains whose territories are comprised in the districts exempted by Act XI of 1846 from the operation of the General Regulations.

Third.—Provided, that in no case shall land or its product be sold in execution of a decree of the Agent's Court, previous to due arrangement for the full satisfaction of the present and prospective demands of Government.

XVIII. *First.*—Provided also, that if the emoluments of service "Vatan," or of District or Village hereditary offices, or of lands or emoluments for which State service is rendered, or which are held on condition of defraying the charges of an efficient Police establishment, be made the subject of an award by a decree or any other process of the Agent's Court, which would have the effect of alienating the emoluments

applicable to the remuneration of such service "Vatan" or hereditary office, or to Police charges, the Agent shall award or cause to be awarded only such surplus amount thereof, and only during the incumbency of the party to the award, as shall leave the emoluments so liable sufficient for the proper discharge of the duties of the Vatan.

Second.—And provided, that no decree passed in the Agent's Court shall in any manner compel the servitude of any person in satisfaction of a pecuniary obligation, any written bond or agreement relative thereto notwithstanding.

XIX. *First.*—It shall be competent to the Agent, or to any of his Assistants acting under his immediate control, to refer the parties in any original suit brought before them respectively to an Arbitrator, or to a Panchâyat of their own voluntary nomination; and if the parties agree to the same in writing, it is to be clearly understood that the decision of the Arbitrator or of the Panchâyat is to be final, and the case is to be struck off the file as disposed of accordingly.

Second.—And the Agent and the Assistant may, with the view to avoid unnecessary delay, after the parties have given their written assent to an Arbitration or Panchayât, inclusive of the condition aforesaid, appoint respectively a reasonable period within which the award shall be delivered in Court; and if the award shall not be delivered within the specified time, the Arbitration shall be considered cancelled, and the parties to be in the same relation to each other as if no such reference to Arbitration had existed.

XX. *First.*—The process of summoning witnesses shall, at the requisition of the Arbitrator or of the Panchâyat, be carried into effect by the orders of the Court; and upon the final award being filed, the expenses of summoning the witnesses shall be recovered from the losing party. No other fees will be levied by the Court upon any papers or exhibits in a suit referred to Arbitration; but the petition for the enforcement of the decree must be accompanied by payment of the established fee.

XXI. Nothing in these Rules shall be held to prevent the Agent or the Assistant Agents from availing themselves of the assistance of respectable natives in the decision of any suit coming before them. In such cases the Native Assessors will record their judgments severally in writing if they differ, otherwise will sign the common award. But the Agent or Assistant Agent, as the case may be, is in no way bound to decide according to such award.

XXII. The Agent may, for obvious reasons, as an error or omission being apparent on the face of the proceedings, or the discovery of new matter or evidence not previously within the knowledge of or compass of the party, revise his decree, or cause one passed by any of the Assistants to be revised; and such revision may also be made at the instance of either plaintiff or defendant, at his discretion.

XXIII. A decree issued in the Agent's Court may be enforced in any Zilla or Political jurisdiction subject to the Bombay Presidency

under the general Rules thereof, and *vice versá*. In respect to executing legal process, issued in his Court against persons residing within the limits of Her Majesty's Supreme Court in Bombay, the Agent will be guided by the provisions of Act XXIII of 1840 and Act XXXIII of 1852, and any ther enactments which may be or become applicable to such cases.

XXIV. *First.*—Every suit originally tried by the Assistants shall be open to an appeal to the Agent, provided such appeal be made within (30) thirty days from the date of passing the decree; and the decree of the Agent shall in every such case be final.

Second.—Every suit originally tried by the Agent shall be open to an appeal to the Sadar Diwáni Adálat, if the appeal be made within the space of (90) ninety days from the date of passing the decree, and the decree of the Sadar Diwáni Adálat shall be final.

Third.—It shall, nevertheless, be competent to the Agent, after the expiration of the prescribed period, if the appeal is to himself, to grant the same upon sufficient cause being shown, and if it is to the Sadar Adálat, to admit it temporarily, subject to the decision of that Court; and to enable the Sadar Diwáni Adálat to decide upon the admission or rejection of the reasons set forth, the Agent shall for that purpose cause inquiry to be made and endorse the same, together with his opinion upon the petition, and forward the same to the superior Court.

Fourth.—The appeal to the Sadar Diwáni Adálat may be made either to the Agent or to that Court direct. In the one case the Agent shall cause the established fees to be levied (excepting in the case of parties who, having been allowed to use in *formá pauperis* in the original suit, may be permitted also to appeal in the same matter) from the party appealing, and shall forward the petition, accompanied by a receipt, to the Appellate Court. If the petition is made direct to the Superior Court, the fees shall be levied upon its transmission to the Agent's Court; and so with regard to execution of all other process directed by the Appellate Court.

XXV. The provisions of Regulation XXVI of 1827 are declared to be applicable to all Kazis within the same district.

APPENDIX A.

Scale of fees leviable in Civil Suits in the Agent's Court on every Plaint and Petition of Appeal.

When the amount sued for is—

Rs.		Rs.		Rs.	a.	
100	and below	200	A fee shall be levied of	4	0	
200	,,	300		8	0	
300	,,	500		15	0	
500	,,	1,000		25	0	
1,000	,,	1,500		2	0	per cent.
1,500	,,	5,000		1	8	,,
5,000	to any amount.			1	0	,,

Scale of fees leviable in Civil Suits in the Agent's Civil Court on every Answer, Exhibit, Application, Razinama or Vakalatnama.

When the amount sued for is—

Rs.		Rs.		Rs.	a.
100	and below	200	A fee shall be levied of	0	4
200	,,	500		0	8
500	,,	1,500		1	0
1,500	to any amount.			4	0

And upon every petition or application presented in the Agent's Court relative to any matter not in a suit then current, a fee shall be levied upon such petition of 8 annas, and if the petition be to the Sadar Diwáni Adálat, the fee shall, upon transmission of the petition from the superior Court, be increased to 1 Rupee.

Scale of fees leviable in the Agent's Civil Court on every copy of decree, proceedings, registry of accounts, reports, and generally of any authenticated documents.

If the sum sued for or appealed against is—

Rs.		Rs.		Rs.	a.	
Below		25	A fee shall be levied of	0	1	For every copy of a decree in a suit or appeal.
Above	25	and below 50		0	2	
,,	50	,, 100		0	8	
,,	100	,, 500		1	0	
,,	500	,, 1,000		2	0	
,,	1,000	,, 5,000		4	0	
,,	5,000	to any amount.		5	0	

For copies or other papers requiring to be authenticated to any public officer, the fee required is Re. 0-4-0.

ORDER APPOINTING CERTAIN OFFICERS TO ADMINISTER CIVIL JUSTICE IN THE ISLAND OF PERIM AND REGULATING THEIR PROCEDURE

Notn. No. 7479, P. D., 18th Dec. 1886, B.G., 1886, Pt. I, p. 1062.

In exercise of the power conferred by section 6 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor in Council is hereby pleased to appoint the following officers to administer civil justice in the Island of Perim, to make the following provisions for regulating their procedure, and to issue the following directions as to the authority by which any jurisdiction, powers, or duties incident to the operation of sections 1 to 16 of Act II of 1864 and Act XI of 1865 (1) in the said Island shall be exercised or performed :—

1. Except as hereinafter otherwise provided, the administration of civil justice in the Island of Perim is vested in the Court of the Resident, Aden.

2. The Resident, Aden, and the Assistant Residents shall have respectively the like powers to hear and determine, in the first instance, civil cases instituted in the Court of the Resident, which originate in or relate to the

(1) Now Act IX of 1887.

Island of Perim, as they have under Act II of 1864 to hear and determine civil cases instituted in the said Court originating in or relating to Aden.

3. Plaints and applications in civil cases originating in or relating to the Island of Perim may be presented either direct to the Court of the Resident at Aden or the Assistant Political Resident in charge Perim, who shall, on receipt of any such plaint or application, cause the date of presentation to be noted thereon, and shall forward the same to the Court of the Resident, unless the said plaint or application relates to any case within the jurisdiction of such officer as Judge of a Court of Small Causes as hereinafter provided.

4. The Resident shall receive plaints and applications in civil cases originating in or relating to the Island of Perim which are forwarded by post, and shall proceed thereupon in the same manner as if such plaints or applications had been presented in Court.

5. Civil cases originating in or relating to the Island of Perim may be heard and determined by the Resident or by an Assistant Resident at Aden, or in the Island of Perim, as the Resident shall think fit to direct.

6. The Assistant Political Resident in charge Perim shall have and exercise the jurisdiction and powers and shall perform the duties of the Judge of the Court of Small Causes constituted at Perim under the provisions of Act XI of 1865 (1).

DELEGATING TO THE COMMISSIONER IN SIND THE JURISDICTION CONFERRED BY BOMBAY ACT VI OF 1873 UPON GOVERNMENT AND COMMISSIONERS

Notn. No. 2363, G. D., 9th Aug. 1878, B. G., 1878, Pt. 1, p. 502.

With reference to Notification No. 2220 of 26th July 1878 (2) published in the *Bombay Government Gazette* of the 1st August 1878, extending Bombay Act VI of 1873 (The Bombay District Municipal Act) to the Province of Sind, with effect from the 1st October next, the Governor in Council is pleased, in exercise of the powers conferred by section 6, clause (*c*), of Act XIV of 1874 (The Scheduled District Act), to direct that the jurisdiction, powers and duties conferred and imposed by the said Bombay Act VI of 1873 upon Government shall, in the said Province of Sind, be exercised and performed by the Commissioner in Sind, and that the jurisdiction, powers, and duties so conferred, and imposed on Police Commissioners shall also be exercised and performed, so far as they consistently may be, by the said Commissioner.

THE SADAR COURT IN SIND TO EXERCISE THE JURISDICTION, ETC., OF THE HIGH COURT UNDER ACT XIV OF 1869

Notn. No. 3054, J. D., 27th May 1887, B. G., 1887, Pt. I, p. 452.

In exercise of the power conferred by section 6, clause (*c*), of the Scheduled Districts Act, 1874, the Governor in Council is pleased to

(1) Now Act IX of 1887.

(2) Notn. No. 2220, dated 26th July 1878, is not published in this Volume as the Bombay Act VI of 1873 has since been formally extended to the Bombay Presidency, and therefore to Sind as well, by section 1 of the Bombay Act II of 1884 (which has since been repealed by Bombay Act III of 1901).

direct that the jurisdiction, powers and duties of the High Court under such portions of the Bombay Civil Courts Act, 1869, as are in force in the Province of Sind, shall be exercised or performed by the Sadar Court of that Province.

THE SADAR COURT IN SIND TO EXERCISE THE JURISDICTION, ASSIGNED TO HIGH COURT IN ACT XX OF 1864

Notn. No. 3803, J. D., 4th July 1887, B. G., 1887, Pt. I, p. 554.

Under the provisions of clause (*c*) of section 6 of the Scheduled Districts Act, 1874, His Excellency the Governor in Council is pleased to direct that in the Province of Sind the Sadar Court shall exercise the jurisdiction assigned to the High Court at Bombay in Act XX of 1864 (1).

RULES UNDER ACT XI OF 1876

PRESIDENCY BANKS

ESTABLISHMENT BY THE DIRECTORS OF THE BANK OF BOMBAY OF A BRANCH OF THAT BANK AT INDORE, CENTRAL INDIA

G. of I., Finance Dept., Notn. No. 136-A., 7th Jan. 1907, republished in Govt. Notn. No. 267, F. D., 16th Jan. 1907, B. G., 1907, Pt. I., p. 77.

It is hereby notified in pursuance of section 42 of the Presidency Banks Act, 1876 (XI of 1876), that the Governor General in Council has consented to the establishment by the Directors of the Bank of Bombay of a branch of the said Bank at Indore, Central India.

G. of I., Finance Dept., Notn. No. 5034-A., 6th Oct. 1909, republished in Govt. Notn. No. 3722, F. D., 13th Oct. 1909, B. G., 1909, Pt. I, p. 1945.

It is hereby notified in pursuance of section 42 of the Presidency Banks Act, 1876 (XI of 1876), that the Governor General in Council has consented to the establishment by the Directors of the Bank of Bombay of a Branch of the said Bank at Rajkot in Kathiawar.

BY-LAWS OF THE BANK OF BOMBAY

Notn. No. 1217, 16th Mar. 1892, B. G., 1892, Pt. I, p. 242.

The following By-laws of the Bank of Bombay are published for general information :—

In exercise of the powers conferred by section 63 of the Presidency Banks Act, 1876, the Directors of the Bank of Bombay have, with the previous approval of the Governor General in Council, signified in writing under the hand of the Secretary to the Government of India in the Financial Department, made the following Bye-laws in supersession of all previous By-laws of the said Bank :

1. Except upon the security mentioned in the Presidency Banks Act, 1876, section 36 (*a*) 1 to 5 inclusive, the Directors shall not discount

(1) Now Act VIII of 1890.